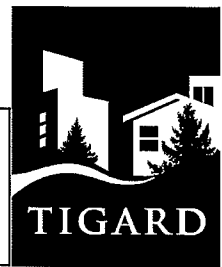


Agenda Item No. 3.1.a
For Agenda of June 12, 2007



Tigard City Council Meeting Minutes

Date: April 10, 2007
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Gretchen Buehner
Councilor Sydney Sherwood
Councilor Tom Woodruff

Absent: -- Councilor Sally Harding

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	Mayor Dirksen called the Study Session to order at 6:30 p.m.	
Executive Session	City Manager Prosser announced the Executive Session: The Tigard City Council went into Executive Session at 6:30 p.m. for consultation with legal counsel or litigation likely to be filed, under ORS 192.660(2) (h). Executive Session concluded at: 6:45 p.m.	
Study Session (cont.) Briefing on a Proposal to create a Commercial Crime Unit and use a Business Tax Increase for Funding – Police Department	Police Chief Dickinson introduced this agenda item and the history of how this proposal came about. By utilizing the GIS system, staff was able to view the direct correlation of a higher incidence of crimes within the commercial zones. Police Chief Dickinson also reviewed statistics for types of crime within the different zoning districts. To address crime in business areas, the staff would like the City Council and community to support a commercial crime unit with funding to come from an increase in the business tax. Police Chief Dickinson and the Council reviewed a chart outlining rate structuring options for this tax. A copy of this chart is on file in the City Recorder's office. Consensus of the City Council was that Police Chief Dickinson and his staff could present to the	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>community a proposed Commercial Crime Unit with funding from increasing the business taxes to determine whether the community was supportive.</p> <p>City Manager Prosser advised that this program is not in the proposed budget; staff will develop an issue paper for the Budget Committee to review.</p> <p>City Council requested that staff emphasize to the community that this is only an idea at this time. In addition, Councilor Sherwood suggested that Police Chief Dickinson contact the grocers lobby for their input.</p>	
<p>Study Session (cont.)</p> <p>Administrative Items</p>	<p>Tigard Chamber of Commerce Shining Stars Banquet, April 27, 6 p.m., Crowne Plaza; City Council members present indicated they would attend.</p> <p>Reminder: League of Oregon Cities Conference – September 27-29, Bend Riverhouse. Mayor Dirksen, Councilor Sherwood, Councilor Buehner, and Councilor Woodruff said they would attend this conference.</p> <p>Initiative Petition Status: Deadline for appeal of the ballot title was April 6, 2007. No objections were filed for the Repeal of Motor Vehicle Fuel Dealers Tax ballot title. Next step: Approve Petition cover and signature sheets for circulation by end of this week. Required number of signatures of registered Tigard voters: 3,596, which must be collected no later than June 18, 2007. Depending on when the signatures are turned in and verification is completed, timeline is for the measure to appear on either the September or November 2007 ballot.</p> <p>Public Hearing – Agenda Item No. 7 – Zoning Amendment (Continued from the March 13, 2007, City Council meeting). March 21, 2007 letter from Dianna Matthews was distributed to the City Council; this letter was forwarded to the Council in their mail packet.</p> <p>Changes to tonight's agenda: 1. Agenda Item No. 4 – Representative Galizio is unable to attend tonight.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>2. Agenda Item No. 9 – Public Hearing for Ballot Measure 37 Hearing – Way W. Lee – was set over to May 22, 2007.</p> <p>3. Council calendar, distributed to the City Council, was reviewed.</p> <p>Study Session concluded at 7:25 p.m.</p>	
1. Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:37 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Buehner, Sherwood, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Buehner reported she attended the MACC meeting last Thursday for Councilor Harding. The Commission has appointed Tigard resident Ann Robinson to the PEG Grant Review Committee. There was also an in depth review of Comcast customer service associated with customer complaints. Councilor Buehner noted that those who were attending the MACC meeting were reminded that they needed to be involved in the claim against the FCC regarding franchise fees and the right of way.</p> <p>Mayor Dirksen advised he recently attended a Washington County Coordinating Committee meeting discussion. Most of the discussion was on transportation funding and the Metro Regional Transportation Plan. A WCCC workshop meeting was held to discuss transportation funding and the potential of a Washington County bond measure in the future. The Mayor said he would wait to talk about this further when it is a topic at an upcoming City Council workshop meeting.</p> <p>Councilor Buehner reported that she has attended work group meetings on annexation</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>bills for the State legislature. She said she would report more fully at a later date.</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser pointed out that the new sound system was in operation for the first time at this Council meeting. He described some of the enhanced features of the system for sound and staff presentations.</p>	
2. Citizen Communication	<ul style="list-style-type: none"> ♦ Tigard High School Student Envoy Jasmina Dizdarevik presented her report on recent activities at the Tigard High School. A copy of her report is on file in the City Recorder's office. ♦ Mayor Dirksen noted one person was signed up to speak on the Citizen Communication sign-up sheet. Mr. Sanford Inouye from Comcast signed up to speak on Agenda Item No. 8. Mayor Dirksen advised this was not a public hearing and asked the City Council members' opinion about whether they should hear from Mr. Inouye on this topic. After brief discussion, the City Council agreed to hear testimony from Mr. Inouye. <p>Mr. Inouye referred to a letter that had been submitted to the City regarding Comcast's concerns with Agenda Item No. 8: Consideration of an ordinance to grant a cable franchise to Verizon Northwest, Inc. Two main issues by Comcast included:</p> <ol style="list-style-type: none"> 1. Comcast would want the "playing field" to be competitive and they would want to modify their current franchise if the proposed ordinance is adopted. 2. Concerns about the types of services to be provided. <p>Mayor Dirksen told Mr. Inouye that City Council had received all the letters on this issue. The Metropolitan Area Communications Commission has been asked to review the concerns.</p> <p>Mr. Inouye submitted a report: <i>A Picture is Worth a Thousand Words</i>. A copy of this report is on file</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	in the City Recorder's office.	
3. Consent Agenda	<p>3.1 Approve Council Minutes for February 27, 2007</p> <p>3.2 Receive and File:</p> <p>3.2.a Council Calendar</p> <p>3.2.b Tentative Agenda</p> <p>3.2.c Annual Solid Waste Financial Report Findings</p> <p>3.3 Appoint Matt Clemo and Kandace Horlings as Regular Members; Dale Richards as Second Alternate Member and Reappoint Chair Janet Gillis to the Tigard Tree Board – Resolution No. 07-18</p> <p>A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MATT CLEMO AND KANDACE HORLINGS TO THE TREE BOARD AS REGULAR MEMBERS, DALE RICHARDS AS SECOND ALTERNATE, AND REAPPOINTING JANET GILLIS TO ANOTHER FOUR-YEAR TERM</p> <p>3.4 Appoint Ralph Hughes to the City Center Advisory Commission – Resolution No. 07-19</p> <p>A RESOLUTION APPOINTING RALPH HUGHES THE TO CITY CENTER ADVISORY COMMISSION</p> <p>3.5 Consider a Resolution Authorizing Amendment No. 1 to the Intergovernmental Agreement for Joint Funding of a Water Supply System Plan – Resolution No. 07-20</p> <p>A RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF TIGARD AND THE CITY OF LAKE OSWEGO FOR JOINT FUNDING OF A WATER SYSTEM PLAN</p> <p>3.6 Adopt Paid Time Off Policy for Management Employees – Resolution No. 07-21</p> <p>A RESOLUTION ADOPTING AN</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p data-bbox="467 233 1047 369">AMENDMENT TO THE MANAGEMENT, SUPERVISORY & CONFIDENTIAL GROUP PERSONNEL POLICIES ADDING PAID TIME OFF POLICY</p> <p data-bbox="407 447 1040 653">3.7 Approve Proposal to Transfer Custody of Records Created, Assembled and Maintained by Tigard Staff During the Term of the Urban Services Intergovernmental Agreement between the City of Tigard and Washington County - Resolution No. 07-22</p> <p data-bbox="467 695 1057 1010">A RESOLUTION DOCUMENTING THE TRANSFER OF CUSTODY FROM THE CITY OF TIGARD TO WASHINGTON COUNTY THOSE RECORDS CREATED, ASSEMBLED AND MAINTAINED BY THE CITY OF TIGARD DURING THE TERM OF THE CITY OF TIGARD/WASHINGTON COUNTY URBAN SERVICES INTERGOVERNMENTAL AGREEMENT</p> <p data-bbox="407 1087 1047 1293">3.8 Approve Budget Amendment #13 to the FY 2006-07 Budget to Increase Appropriations in the Water CIP Fund Capital Projects Budget within the Community Investment Program for Additional Funding for the Lake Oswego Feasibility Study Project – Resolution No. 07-23</p> <p data-bbox="467 1335 1047 1650">A RESOLUTION APPROVING BUDGET AMENDMENT #13 TO THE FY 2006-07 BUDGET TO INCREASE APPROPRIATIONS IN THE WATER CIP FUND CAPITAL PROJECTS BUDGET WITHIN THE COMMUNITY INVESTMENT PROGRAM FOR ADDITIONAL FUNDING FOR THE LAKE OSWEGO FEASIBILITY STUDY PROJECT</p> <p data-bbox="407 1692 1047 1860">3.9 Local Contract Review Board: 3.9.a Award Contract for Wetland Consulting Services for the Washington Square Regional Center Greenbelt Trail Project to Virgil-Agrimis, Inc.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>3.9.b Award Contract for Aquifer Storage and Recovery (ASR) Test Well Drilling to Boart Longyear, Inc.</p> <p>3.9.c Award of Contract for the Construction of Ann Street Sanitary Sewer Extension (Sewer Reimbursement District No. 40) to Cipriano & Son Construction</p> <p>3.9.d Award of Contract for Engineering Services for the SW Cherry Street Sanitary Sewer Project to Century West Engineering Corp.</p> <p>Mr. Ralph Hughes was present. Mayor Dirksen thanked Mr. Hughes for agreeing to serve on the City Center Advisory Commission. (See Agenda Item 3.4)</p>	
4. Legislative Briefing – Senator Burdick	<p>Senator Burdick updated the City Council on the following State legislature matters:</p> <ul style="list-style-type: none"> ▪ Much work is going on behind the scenes regarding Measure 37. Compromises are being sought with emphasis on building a home on property; de-emphasis on use of Measure 37 for commercial purposes. ▪ Senator Burdick won a walking contest; her prize money will be split ½ to Metzger Elementary School and ½ to the Portland Public Schools. ▪ Major issues relating to budget are coming up including public schools, community colleges and higher education. ▪ A number of annexation bills are being studied. She said Tigard could count on her to support the rights of cities. ▪ Reference made to attorney/client privileges for cities and acknowledgement that this needs to be maintained for cities (i.e., Executive Sessions). ▪ “Gut and stuff” season is starting where the stated subject of the bill might not really be what is contained in the proposed bill. 	
5. Washington County Vision Action Network (VAN) Presentation	<p>VAN Executive Director Sia Lindstrom and Board Member Conrad Pearson spoke to the City Council.</p> <p>The main topics were presented to the Council in a PowerPoint presentation. A copy is on file in the City Recorder's office.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>The purpose of VAN was reviewed as well as the following issue areas:</p> <ul style="list-style-type: none">▪ Affordable Housing▪ Aging and Disabilities▪ Basic Needs▪ Behavioral Health▪ Children & Families▪ Education▪ Environment▪ Primary Health Care <p>Services in and around the City of Tigard were reviewed as well as how the investment in VAN has benefited the City of Tigard.</p> <p>Councilor Sherwood noted her support of VAN and that she is aware of the many good things that have come to the community because of this organization.</p>									
6. Grant Exemption from Property Taxes Under Tigard Municipal Code Section 3.50 for Three Non-Profit Low Income Housing Projects Owned and Operated by Community Partners for Affordable Housing (CPAH) and One Housing Project Operated by Tualatin Valley Housing Partners (TVHP)	<p>Finance Director Sesnon presented the staff report. A summary of the staff report is on file in the City Recorder's office.</p> <p>Before the City Council is a proposed resolution to exempt three low-income housing projects from City of Tigard property taxation in 2007.</p> <p>After brief discussion the City Council considered the proposed resolution.</p> <p>RESOLUTION NO. 07-24 – A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON-PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND ONE HOUSING PROJECT THAT IS OPERATED BY TUALATIN VALLEY HOUSING PARTNERS (TVHP)</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt Resolution No. 07-24.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Buehner	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

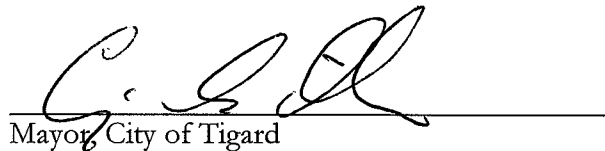
Agenda Item	Discussion & Comments	Action Items (follow up)
<p>7. Continuation of Residential Zoning District Use Regulations Amendment (Legislative Public Hearing) – Tigard Development Code Chapter 18.510 to Allow School Bus Parking as an Accessory Use on High School Sites in Residential Zones Subject to Location and Time Restrictions (Not Within 200 Feet of a Property Line Abutting a Residential Use and Not More Than Three Years)</p>	<p>Mayor Dirksen announced the continuation of the public hearing, which was opened on March 13, 2007.</p> <p>City Attorney Ramis commented on process and advised there was no need for the City Council to make statements regarding declarations unless circumstances changed since the last hearing. Councilor Sherwood advised she was not present at the initial public hearing; she said she drives by the site.</p> <p>Planning Manager Bewersdorff reviewed the history of the request before the City Council.</p> <p>Mayor Dirksen advised that public testimony had been closed on March 13; however, additional public testimony can be received if necessary.</p> <p>Councilor Woodruff advised at the initial hearing there was concern expressed that this would be a long-term use. With a three-year limitation, he indicated he could support the proposed amendments. Councilor Buehner and Councilor Sherwood indicated they agreed with Councilor Woodruff.</p> <p>Council considered Ordinance No. 07-05:</p> <p>ORDINANCE NO. 07-05 – AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.510 – RESIDENTIAL ZONING DISTRICTS SPECIFICALLY TABLE 18.510.1, USE TABLE TO ADD FOOTNOTE 12 TO ALLOW SCHOOL BUS PARKING AS AN ACCESSORY USE ON HIGH SCHOOL SITES WITHIN ALL RESIDENTIAL ZONES</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff, to adopt Ordinance No. 07-05.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>
<p>8. Approve Ordinance Granting a Cable Franchise to Verizon Northwest, Inc.</p>	<p>Metropolitan Area Communications Commission (MACC) Administrator Bruce Crest presented the information about the proposed cable franchise agreement with Verizon Northwest, Inc. to the City Council.</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Buehner, to adopt Ordinance No. 07-06.</p> <p>There was discussion on the</p>

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>The written copy of the MACC staff report is on file in the City Recorder's office.</p> <p>The Mayor responded to a request for testimony from members present in the audience. Mayor Dirksen advised that this was not a public hearing and public testimony would not be taken at this time.</p> <p>MACC Administrator Crest spoke of the benefits of competition to the advantage of subscribers.</p> <p>During the discussion reference was made to Verizon as a franchised business in the City of Tigard. City Manager Prosser clarified that Verizon does not have a current franchise agreement with the City. The City has adopted an ordinance for service providers such as Verizon and regulations, as specified in the ordinance are being used.</p> <p>Councilor Buehner noted concerns about service and the need for consistency. She questioned whether any assurances could be made that Verizon would comply with the agreement. MACC Administrator Crest explained how Verizon services are separated out. MACC has the responsibility to assure the agreement is followed and that Verizon complies with the terms of the agreement. City Manager Prosser advised that the "right-of-way" ordinance does not address billing issues; those are regulated by the state.</p> <p>MACC Administrator Crest said it was hoped that when Verizon launches its services, the resulting competition with companies (i.e., Comcast) will be of benefit to the customer.</p> <p>Councilor Buehner noted problems she has encountered with her business telephone. Councilor Woodruff advised that there have been a number of complaints from citizens with regard to work done by Verizon contractors when lines were being installed.</p> <p>The City Council considered the proposed ordinance.</p>	<p>motion. Councilor Buehner noted she would have problems voting in support because her past experiences have been sufficiently bad; she indicated she would likely vote "no." Councilor Woodruff said he viewed support for this ordinance as a "step in faith" and was supportive because he believes in competition and offering choices. He said he hoped this would be a good thing for citizens. Councilor Sherwood indicated agreement with Councilor Woodruff's comments and added she was aware of MACC's work in getting the agreement to this point. Mayor Dirksen indicated he was supportive of the agreement and commented on the differences being presented in this agreement from the previous franchise agreement with Comcast. He said his support was not just because other cities in MACC's jurisdiction have given their approval. Mayor Dirksen said he favored continual review and additional requirements if needed. He indicated he also supported the agreement because of the competition it would bring.</p> <p>The vote on the motion was conducted by roll call:</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Buehner</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Buehner	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Buehner	No									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	ORDINANCE NO. 07-06 – AN ORDINANCE GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO VERIZON NORTHWEST, INC., AND DECLARING AN EMERGENCY	The motion was approved by a majority vote of Council present.
9. Ballot Measure 37 Quasi Judicial Public Hearing – Way W. Lee General Contractor, Inc. (2006-00004)	Public hearing was set over to May 22, 2007.	
Adjournment	The meeting adjourned at 8:57 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Buehner Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard

Date: June 12, 2007